

**West Mojave Plan
Task Group I
Green Tree Inn, Victorville
May 14, 2001**

Attendees

Task Group: Barbara Aiken, Gwen Allen, Martin Alois, John Atkinson, Margie Balfour, David Benard, Leonard Blankenship, Ray Bransfield, Mary Chow, Jerry Clark, Paul Condon, Mike Connor, John Cosats, Fran Cox, Jerry Cox, Lorraine Cross, Robert Cross, Tom Dailor, Nick Dallavalli, Clarence Everly, Jennifer Foster, Ken Foster, Linda Fullerton, Pattie Gallagher, Art Gleason, Roberta Dewey, Toni Gomez, Mark Hagan, Suellen Hall, Theodore M. Hezuffill, Gerry Hillier, Jean Jacobson, Don Johnson, Manuel Joia, Becky Jones, Karen Jones, Terry Kaiser, John Keeping, Peter Kiriakos, Paul Kober, Paul Kratoxil, Marlyn LaFerriere, Carol Landry, Tom Mariano, David McCarty, Harry McInnis, James McRea, Ginger Miller, Jacki Morgan, Steven Morgan, Will Moring, Lisa Northrup, Gail O'Neill, William Pollard, Tim Read, Darrell Readmon, Greg Sanell, Randy Scott, Robert W. Smith, Robert Strub, Joan Kahn, Doug Parham, Marcia Wertenberger, June Scales, Debbie Sliver, Don Stewart, May Stewart, Vernon Underwood, Bobbi Van Zant, Hector Villalobos, Ed Waldheim, Marcy Watton, Barry Wetherby, Susan Wellington, Martin Wilkins and Gary Williams.

West Mojave Team: Bill Haigh, Ed LaRue, Valery Pilmer.

Introduction

Bill Haigh opened the meeting. He noted that there were many individuals present representing equestrian interests who wish to address an issue that came up at the November Task Group I meeting. That issue related to the removal of the words "horseback riding" from a list of uses that were considered "minimum impact recreation" (item 6 on page 3 of meeting notes of Task Group 1 meeting, November 1, 2000). Haigh invited the equestrian representatives to address the issue. The following major points were raised during this discussion:

- No scientific basis exists to consider equestrian uses as high impact or consumptive.
- Any restrictions placed on equestrian uses should be no more restrictive than currently applied in wilderness areas.
- Equestrian users need representation on the Task Groups.
- Back country horsemen help the environment by picking up and hauling out trash left by others.
- Need to provide for staging areas where riders can meet and unload horses from trailers.
- Some would like to see evening meetings held.
- Horseback riding has not been identified as one of the threats to the tortoise.

As a result of this discussion, Task Group I members agreed to put equestrian uses back into the list of minimum impact recreational uses. Item 6 on page 3 of the November 1, 2000 meeting

notes is reworded to read as follows:

Minimum impact recreation (e.g. hiking, birdwatching, equestrian uses, photography) should be allowed within the DWMA.

Bill Haigh asked the individuals interested in equestrian issues to identify individuals to represent their interests on the Task Groups, and perhaps also on a separate equestrian subcommittee. The following organizations indicated an interest:

American Endurance Riders Association (AERA)
Antelope Valley Trails Recreation Council (AVTREC)
Back County Horsemen
California Trail Users Association
Equestrian Trails International (ETI)
North American Trail Ride Conference

Carol Landry and Jennifer Foster indicated they would be available to represent independent horse owners on the committees. Bill Haigh asked that the organizations name one individual as a contact person.

Jeanette Hayhurst indicated that her remarks on this issue were not accurately reflected in the minutes, and that she strongly supports equestrian uses. The Task Group agreed to strike the section where this discussion took place from the November 1, 2000 meeting notes to eliminate further confusion on this issue.

April 25, 2001 Steering Committee Meeting

Mark Hagan provided a summary of the April 25th Steering Committee Meeting (See handouts titled "West Mojave Plan - Steering Committee Proposal" and "West Mojave Plan - Steering Committee Meeting - April 25, 2001"). The focus of the meeting was to address allowable ground disturbance within the DWMA's. The committee's recommendation is summarized in the documents referenced above (note that Steering Committee Minutes are available online at the West Mojave Plan website). Mark emphasized that the 1% threshold for new ground disturbance is not being referred to as a "cap". Briefly, the Steering Committee recommended the following:

- **Allowable Ground Disturbance.** Adopt a "one percent" threshold for new ground disturbance within the Habitat Conservation Area (HCA), applicable for the 30-year term of the West Mojave Plan. This threshold would be calculated separately for those portions of the HCA under the jurisdiction of each agency or local government covered by the West Mojave Plan. This acreage would constitute the jurisdiction's *allowable ground disturbance*, or "AGD." Once a jurisdiction's AGD is exceeded, new projects would be assessed on a case by case basis, outside the streamlined program established by the West Mojave Plan.
- **Continuous Accounting.** Acreage of new ground disturbance would be tracked on a continuing basis, separately for each jurisdiction. Baseline acreage would be set as of time

of plan adoption. AGD accounts would be adjusted to reflect and transfers of land from the jurisdiction of one agency or government to another.

- **Big Projects.** AGD would apply only to projects permitted by agencies participating in the West Mojave Plan. If an agency not covered by the West Mojave Plan approved a project which disturbed HCA lands, the project's ground disturbance acreage would not be deducted from the affected member jurisdiction's available AGD.
- **Habitat Credit Component.** Existing disturbed habitat could be restored, and credits granted which would raise a jurisdiction's AGD ceiling. Methodology and standards for this credit system will be developed by a Task Group 1 "Habitat Credit Component" subcommittee.
- **Periodic Review.** Rate of new ground disturbance, effects on wildlife and plant populations and the success of restoration programs should be assessed on a periodic basis and the plan amended as necessary.

The Steering Committee recognized that Task Group 1 and Task Group 4 will need to refine the concept and determine its applicability to species conservation areas other than the DWMA's. There was unanimous agreement on the Steering Committee to bring this recommendation forward to the Task Group. The following was noted during the discussion on this issue:

- Some suggested excluding mining claims from the DWMA. Mark Hagan noted that approximately 500 acres of land are disturbed annually for mining purposes California Desert District wide, including public and private land. Lorelei Oviatt noted that Gene Kulesza had agreed to the Steering Committee recommendation.
- More discussion is needed on what constitutes "restoration", and the details of how this will work. The Steering Committee generally agreed that the concept of adding restored lands back into the undisturbed totals (habitat credit) would serve to encourage restoration. The term "rehabilitation" was also used in the discussion of habitat credits in relation to vehicle routes and fencing, and some concern was expressed regarding whether this referred to "restoration" or not. It was recommended that this reference be changed to "restoration." Bill Haigh indicated that a glossary is currently being prepared for the plan and that this will serve to ensure that once definitions are worked out, they will be clear to future users of the plan.
- The term "no net loss" in current documents needs to be replaced by the habitat credit concept.

The group reached general consensus on the approach, but agreed that a Habitat Credit Subcommittee needs to be formed to further consider and define the following:

Restoration: Techniques and methods to apply to judge success

A crediting system

Priority list of sites for potential restoration

Land tenure adjustment program

Compensation Subcommittee

Laurie Lile presented a recommendation reached by an April 26, 2001 meeting of the Compensation Subcommittee (see chart titled "Compensation Committee Proposal, April 26, 2001). Lile explained the key components of the proposal as follows:

- The fee and compensation ratio applicable to a project, and tortoise clearance survey requirements, would be determined by the project's geographical location within the planning area. Within the Habitat Conservation Area, a fee amounting to the average cost to acquire lands within the HCA at a 5:1 compensation ratio. Within the Exclusion Zone (that is, lands outside the HCA), differing fee and compensation requirements would apply to each of two areas:
 - Disturbed Area. This would be delineated based on housing density and other factors, such as previous focused tortoise survey information. It should encompass both county and city urban areas (for example, lands within incorporated city limits, and small communities such as Helendale and Lake Los Angeles). The fee would amount to the cost to acquire lands within the HCA at a 0.5:1 compensation ratio.
 - Natural Area. All other portions of the Exclusion Zone. The project fee would be determined by the project's location within either the Disturbed Lands Area, or the Natural Lands Area. The fee would amount to the cost to acquire lands within the HCA at a 1:1 compensation ratio.
- There was a strong feeling that the fee needs to be uniform across all the agencies or the jurisdictions will not buy into the plan. A CPI adjust could be attached to ensure that the fee is based on the actual cost of acquiring the land.
- All single family residential development not subject to a discretionary permit outside of the HCAs would be exempt from fees. If an acceptable process could be developed to capture residential uses within the HCAs, the committee would recommend these be captured.
- Since none of the local jurisdictions currently issue permits for agriculture, rather than construct a new process, conversion of natural habitat to agricultural uses outside of the HCAs would be exempted from fees until such time as the land is subdivided or otherwise developed. Conversion of natural habitat to agriculture inside the HCAs would not be covered by the Plan unless some way to capture this conversion were established. The Subcommittee is deferring this to another committee for further discussion.
- Tortoise clearance surveys would be required in Special Review Areas and within Tortoise DWMA's. Subcommittee felt this was an important part of the package.

The following points were discussed by the task group:

- Concern was expressed that it was difficult to rule on the proposal without a more detailed written proposal.
- It was noted that more discussion was needed regarding tortoise survey requirements. Ray Bransfield suggested that there may be a "low end density" where we say "don't do a survey."
- It was questioned how disturbed vs. natural land would be tracked. Concern was expressed that a lower fee for disturbed land would be an inducement to disturb natural

habitat prior to submitting development proposals. Bill Haigh indicated that areas would be mapped to establish an existing baseline of disturbance. Any new disturbance beyond the baseline would be required to pay the higher fee. Some expressed concern that arguments could occur in the future over what is natural and what is disturbed. Lisa Northrup added that the intent of this approach is to give an incentive to infilling already disturbed areas. Mike Connor asked for information regarding the approximate number of acres within each category, and questioned whether the cost difference between disturbed vs natural lands was significant enough to be a real incentive.

- Question was asked whether activities on public lands (e.g. pipelines, mining) would be subject to the same compensation ratios or whether the MOG formula would still apply. Felt plan needs to be more specific on this issue. Bill Haigh indicated that the MOG formula would be replaced by the straight 5:1 formula. Becky Jones pointed out that the cost of mining on private land overall would be reduced under the new formula. The new formula offers an incentive to develop in areas outside of the DWMAs.
- The issue of how new agriculture would be addressed was discussed. Lorelei Oviatt emphasized that the local jurisdictions have no way to track agriculture since no permits are required. Ray Bransfield indicated that new agriculture within the DWMAs would require a 10(a) permit, and although tracking through the local jurisdictions is helpful, he is not concerned that there will be a real problem with the proposed approach.

A more detailed written description will be prepared by the Compensation Subcommittee and will be brought back for further discussion. The target for preparation of this report is one week prior to the June 12th Task Group 1 meeting in order to allow adequate time for review.

A Habitat Credit Subcommittee was established to talk about restoration and reclamation. The subcommittee will establish definitions for each for use in the West Mojave Plan. Ed LaRue will organize the meeting dates for the subcommittee. It was suggested that discussion of this be placed on the June agenda with sufficient time allocated. The following individuals will be on this subcommittee: Ray Bransfield, Becky Jones, Jeri Ferguson, Lisa Northrup, Jennifer Foster, Eileen Anderson, Pete Kiriakos, Gene Kulesza, Ed LaRue (Chairman), Gail O'Neill, Carol Landry.

Upcoming Task Group 1 Meetings

The next Task Group 1 meeting is scheduled for Tuesday, June 12, 2001 at 9:30 AM at the Green Tree Inn in Victorville.

A future Task Group meeting was scheduled for Monday, July 16, 2001 at 9:30 AM at the Green Tree Inn in Victorville.

Table 16. Team with BLM Managers

The Task Group discussed Table 16 which begins of page 57 of the document prepared by Ed LaRue titled "Status of Management Prescriptions and Recent Proposals for Management Prescriptions Identified by Planning Subcommittees."

- **A2c.**
The revised measure regarding the West Mojave Plan serving as the ACEC management plan for the DWMAs was endorsed by the BLM managers.
- **A2d.**
The revised measure regarding how potential conflicts between existing ACECs and the ACEC established for the DWMAs was supported by the BLM managers. It is unknown at this point whether any potential conflicts between ACECs exist. A question was asked about a possible proposed ACEC for the Pisgah area. Bill Haigh indicated that such an ACEC is being considered in conjunction with the strategy being prepared for covered plants. He will try to hurry that strategy along so it can be reviewed by the group.
- **A3a.**
This measure provides that BLM non-wilderness lands within the Tortoise DWMAS would be designated as Class L. This measure was endorsed by the BLM managers. Areas already closed (i.e. wilderness areas) would not be affected by this measure. Jeri Ferguson asked that a map be prepared that would show the location of Class M lands that might be affected by this measure. Ed Waldheim concurred with this request. Tim Read noted that even where Class M lands exists, if the area is also critical habitat, the land is currently being managed as critical habitat rather than as Class M. No consensus was reached on this item. Bill Haigh will rewrite the measure and will have a map prepared as requested.
- **A4b.**
The BLM managers concurred with this measure which states that BLM-lands outside the Tortoise DWMAs within the range of the tortoise will be managed as Category III Habitat. The group requested at a definition for Category III Habitat be included in the glossary.
- **A5c.**
This measure is okay as shown.
- **A5e.**
This measure was rejected by the BLM managers. The measure would serve no real purpose since most of the affected land is unclassified.
- **A5f.**
This item was also rejected by the BLM managers. Since local jurisdictions will be performing special reviews within the BTA areas, no real benefit was seen in adopting this measure.

Bill Haigh noted that the items within this section appear to generally acceptable to the group

with the exception of A3a. A map and definition will be prepared and will be presented at the next task group meeting. Gerry Hillier suggested that BLM Rangers be invited to attend the next Task Group 1 meeting.